

Court of Appeals, State of Michigan

ORDER

Marsha Kimberly Postma v Richard Postma

Docket No. 295789

LC No. 02-050550-DM

Donald S. Owens
Presiding Judge

William C. Whitbeck

Alton T. Davis
Judges

The Court orders that the motion to dismiss is GRANTED because the December 21, 2009 order is not a final order appealable of right. MCR 7.202(6)(a); MCR 7.203(A). Because that order only denies a motion to temporarily modify parenting time, it is not a postjudgment order affecting the *custody* of the parties minor child so as to be a final order under MCR 7.202(6)(a)(iii). Any conduct by appellee prior to entry of the December 21, 2009 order is not material to whether the December 21, 2009 order itself affected the custody of the minor child. At this time, appellant may seek to appeal the December 21, 2009 order only by filing a delayed application for leave to appeal under MCR 7.205(F).



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAR 30 2010

Date

Sandra Schultz Mengel
Chief Clerk